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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,630	11/02/2000	Bernhard Gottlieb	P00,1842	1696

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

703630

Applicant(s)

Gottlieb et al

Examiner

M. Budd

Group Art Unit

2834

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8-20-02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5 and 10-15 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 10, 11 and 13-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 12 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 11(6-24-02) ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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In view of the IDS filed after the final rejection and the Appeal Brief filed 8-20-02 the final rejection of 2-20-02 is hereby withdrawn and the following action is taken.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5, 10 and 13 rejected are under 35 U.S.C. 102(a) as being clearly anticipated by Wo (702) or Patent Abstracts of Japan (478).

Wo (702) shows two stationary mounted electromechanical drive elements (e.g. #42, #43), a drive ring having an interior in contact with the drive elements (#41) and a shaft in rolling line contact with an exterior of the drive ring (340) (see fig. 4) Japan (478) teaches the corresponding elements as drive elements #1, #7, drive ring #9, #10 and output shaft #11.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wo (702) or Patent Abstract of Japan (478).

The references teach the motor and method of using with only a single stator drive while the claims recite two stator drives. It has long been held that the mere duplication of parts is


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within the skill expected of the routineer. Thus to provide two stator drives (with the consequent expected increase in tasque and the consequent increase in cost) would have been obvious to one of ordinary skill in the art.

Claims 1-5, 10, 11 and 13-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Nygren, Tamura, Veyama or German (996) in view of Lindemann.

Each of Nygren, Tamura, German and Veyama teach the structure of the motor except the rotor is contacted by the inside surface of the drive ring. Basically an inside-out version of the claimed motor. Lindemann, note figs. 4d and 4e teaches that the stator can be either inside or outside the rotor. Thus it would have been obvious to one of ordinary skill in the art that the specific motor structures of Nygren, German, Tamura or Veyama could be made with the rotor contacting the outside of the drive ring.

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


MARK U. BUDD
PRIMARY EXAMINER
ART UNIT 212